

## Section 1-312      **Development Review Commission.**

- A. Development Review Commission – Creation and Purpose.** The Development Review Commission is created to hold public meetings and hearings, to provide analysis and recommendations to the City Council regarding general land use policies and applications where the Commission has recommendatory power, and to render final decisions on specified applications where the Commission has final decision-making power, including, but not limited to, all aspects of a proposed and future development. The Development Review Commission recognizes that the creation of a desirable environment throughout the city for residents, business, and industry is a prime requisite for the interdependence of land values, aesthetics, and good site planning, by promoting harmonious, safe, attractive and compatible development that is therefore considered to be in the best interest of public health, safety, and general welfare.
- B. Development Review Commission – Duties and Powers.** The Development Review Commission shall have the duty to carry out the provisions and intent of the General Plan and this Code.
1. **Final Decision-making Powers.** The Development Review Commission shall have the power to make final decisions and hold public meetings and public hearings to review and approve, continue, deny, or approve with conditions the following requests:
    - a. Preliminary Subdivision Plats pursuant to Section 6-307;
    - b. Major Development Plan Review applications pursuant to Section 6-306;
    - c. Major modification to a *development plan* review or major modification to conditions of approved *development plans* pursuant to Sections 6-306 and 6-312;
    - d. Appeals from the Hearing Officer, regarding use permits pursuant to Part 6, Chapter 8, Appeals;
    - e. Appeals from the Development Services Manager, or designee, pursuant to Part 6, Chapter 8, Appeals, regarding the following:
      1. Minor modifications to approved Planned Area Development Overlays, or minor modifications to conditions of approved Planned Area Development Overlays;
      2. Shared parking applications;
      3. Minor *development plan* review applications pursuant to Part 6, Chapter 8, Appeals; and
      4. Minor modifications to approved *development plan* review, or minor modifications to conditions of approved *development plans*.

2. **Recommendation Powers.** The Development Review Commission shall have the power to recommend to the City Council and hold public meetings and hearings to review and approve, continue, deny, or approve with conditions the following requests:
  - a. General plan amendment and major amendment applications pursuant to Section 6-302;
  - b. Zoning map amendment (re-zoning) and overlay district applications pursuant to Sections 6-304 and 6-305;
  - c. Code text amendment applications pursuant to Section 6-304;
  - d. Historic Preservation applications pursuant to §14A-4 of the City Code; and
  - e. Major modifications to approved Planned Area Development Overlays, or major modifications to conditions of approved Planned Area Development Overlays pursuant to Sections 6-312.
3. The Development Review Commission may prescribe in connection with any application such conditions as the Commission deems necessary in order to fully carry out the provisions and intent of this Code, pursuant to Part 6, Chapter 6, Conditions of Approval. Violation of any Development Review Commission condition shall be a violation of this Code.

**C. Development Review Commission – Organization.**

1. The Development Review Commission shall consist of seven (7) regular members and three (3) alternate members. Whenever a regular member is unable to attend or must decline due to conflict of interest, an alternate member shall serve at the Commission hearing. All members shall be a resident of the city, and shall be appointed by the Mayor with approval of the City Council. Each Development Review Commission member shall serve a term of three (3) years, unless they submit written resignation to the Mayor and City Council, or unless sooner removed by the Council, and their term shall be staggered so that the terms of at least two (2), but not more than three (3) regular members conclude in any given year. No member shall serve more than two (2) complete consecutive terms. Nothing herein shall affect the expiration of the current terms of the Development Review Commission. Vacancies for the unexpired term of a member shall be filled by the Mayor with approval of the City Council. The members of the Development Review Commission shall serve without compensation;
2. At least three (3) regular members of the Commission and one (1) alternate member shall be currently practicing in the field of architecture, landscape architecture, urban planning, land use law, real estate, engineering, or otherwise qualified by a design background, training, experience, or similar related field;
3. The Development Review Commission shall elect a chairperson and vice-chairperson from among its own regular members who shall have power to administer oaths, take evidence, and set consent agendas;

4. Hearings of the Development Review Commission shall be open to the public in accordance with Part 6 Chapter 5, Public Meetings and Public Hearings. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings in accordance with Section 6-503, showing the vote of each member, records of the Commissions' examinations, and other official actions, shall be kept by the City Clerk as a public record;
  5. The Development Review Commission shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure;
  6. A quorum consists of four (4) members of the Development Review Commission. The concurring vote of four (4) members of the Development Review Commission shall be necessary to act on any matter on its agenda except that consent agenda items may be approved and continuances administratively granted as provided for in this section. In the event that Development Review Commission members are not sufficiently available to make a quorum, one staff member is authorized to act as an alternate member on consent agenda items only, and only to the extent that their presence makes a quorum. Robert's Rules of Order shall govern any other motion; and
  7. The Development Services Manager, or a designated representative, shall serve ex officio as secretary of the Development Review Commission.
- D. Development Review Commission – Appeals.** Development Review Commission recommendations to the City Council pursuant to Section 1-312(B)(2), are not final decisions. Any person aggrieved by a final decision of the Development Review Commission pursuant to Section 1-307(B)(1), may file an appeal to the City Council within fourteen (14) calendar days after the Development Review Commission has rendered its decision, in accordance with Part 6, Chapter 8, Appeals.
- E. Development Review Commission – Reconsideration.** Reconsideration of Development Review Commission decisions shall comply with Part 6, Chapter 7, Re-Application and Reconsideration of Decisions.